

UNITED STATES DISTRICT COURT
Northern District of California

SOPHIA Q. CHAN,

Plaintiff,

v.

JOAQUIN SALAS,

Defendant.

No. C 10-04348 MEJ

SECOND ORDER TO SHOW CAUSE

On November 17, 2010, Plaintiff filed a request to postpone her case until she was able to recover from a surgery scheduled to take place on November 23, 2010. Dkt. No. 13. The Court granted Plaintiff's request, but noted that Plaintiff did not provide a date by which her recovery will be complete, and that Defendant had a motion to dismiss that would remain pending. Dkt. No. 14. To allow enough time for recovery, the Court ordered Plaintiff to file an opposition to Defendant's motion by March 17, 2011. If Plaintiff failed to file an opposition within that time, the Court informed Plaintiff that her case would be deemed dismissed with prejudice without further order from the Court.

On Marcy 15, 2011, Plaintiff filed a document in which she stated that she is still recovering from surgery and requested a further continuance of her case. Dkt. No. 15. However, Plaintiff once again provided no information regarding the type of surgery she underwent or the anticipated length of her recovery. As Defendant's motion to dismiss remains pending, the Court found it would be unfair to allow a further continuance without more specific information from Plaintiff. Accordingly, the Court ordered Plaintiff to provide a letter from the doctor that performed her surgery. Dkt. No. 17. The Court informed Plaintiff that letter needed to include information regarding (1) the type of

1 surgery Plaintiff underwent, (2) the normal recovery period expected after such a surgery, (3) the
2 anticipated length of Plaintiff's further recovery, and (4) when the doctor expects that Plaintiff will
3 be able to resume prosecuting her case. The Court ordered Plaintiff to file the letter from her doctor
4 by April 1, 2011. If Plaintiff did not file the letter by April 1, the Court ordered her to file an
5 opposition to Defendant's motion by April 4, 2011. The Court warned Plaintiff that failure to
6 comply with the order may result in dismissal of her case.

7 Plaintiff failed to comply with the order. Accordingly, the Court hereby ORDERS Plaintiff
8 Sophia Chan to show cause why this case should not be dismissed for failure to prosecute and
9 comply with court deadlines. Plaintiff shall file a declaration by May 5, 2011, and the Court shall
10 conduct a hearing on May 19, 2011 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate
11 Avenue, San Francisco, California. If Plaintiff's response is related to her surgery, she must include
12 a letter from her doctor as specified above.

13 **IT IS SO ORDERED.**

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15 Dated: April 7, 2011

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17 Maria-Elena Jones
18 Chief United States Magistrate Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SOPHIA Q. CHAN

Plaintiff,

v.

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Case Number: 10-04348 MEJ

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 7, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Sophia Q. Chan
1468 Silver Avenue
San Francisco, CA 94134

Dated: April 7, 2011

Richard W. Wieking, Clerk
By: Brenda Tolbert, Deputy Clerk